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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

IN RE HERLEY INDUSTRIES INC.
SECURITIES LITIGATION

CIVIL ACTION

NO. 06-2596 (JRS)

CLASS ACTION

**PLAINTIFFS' MOTION TO STRIKE PORTIONS OF THE REPORT OF
DEFENDANTS' EXPERT PATRICK CONROY**

Plaintiffs hereby move the Court (i) to strike the portions of the Defendants' Expert Report of Patrick Conroy that proffer an alternative method for calculating damages by looking at only the fines, penalties and expenses incurred by Herley Industries, Inc. ("Herley") as a consequence of the acts that gave rise to criminal charges against Herley, and (ii) to exclude Dr. Conroy's testimony at trial on this topic. A memorandum of law in support of this motion, a proposed order and Declaration of Ira M. Press are filed contemporaneously herewith.

DATED: November 6, 2009

Respectfully submitted,

/s

By: Ira M. Press (pro hac vice)

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